

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2476 – SB 2580

April 7, 2014

SUMMARY OF ORIGINAL BILL: Directs that a death penalty, for offenses committed on or after July 1, 2014, be carried out by electrocution if (1) lethal injection is held to be unconstitutional or (2) the Commissioner of Correction certifies to the Governor that one or more of the ingredients essential to carrying out a sentence of death by lethal injection is unavailable through no fault of the department.

CORRECTED FISCAL IMPACT OF ORIGINAL BILL:

Other Fiscal Impact – According to the Post-Conviction Defenders Office, the conference will bring a constitutional challenge on behalf of their client(s) challenging this legislation. The costs of such litigation are not quantifiable.

SUMMARY OF AMENDMENT (015506): Deletes all language after the enacting clause and rewrites the bill.

Deletes provision that only applies the proposed legislation to crimes committed on or after July 1, 2014.

Adds section stating that the proposed legislation shall be known and may be cited as “The Capital Punishment Enforcement Act”.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the corrected fiscal note.

Assumptions for the bill as amended:

- According to the Post-Conviction Defenders Office, the conference would be required to bring a constitutional challenge on behalf of their client.
- Such a case would be brought in conjunction with the Federal Public Defenders Office of Middle Tennessee and the Federal Defender Services of Eastern Tennessee. The costs of such a case are not quantifiable.
- According to the Department of Correction, the proposed legislation will not significantly impact the department.

- According to the Attorney General and Reporter, the proposed legislation will not significantly impact the Attorney General, because the Attorney General's duties already include defending the constitutionality of statutes for which the Attorney General currently receives funding.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/trm